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Attorneys for Defendant
TONICSTAR LIMITED as Sole Capital Provider for
SYNDICATE 1861 AT LLOYD'S OF LONDON

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

TIG INSURANCE COMPANY, a California
company,

Plaintiff,

v.

LLOYD'S SYNDICATE NUMBER 1861 and
LLOYD'S SYNDICATE NUMBER 2020,

Defendants.

) Case No.: C 06 0047 MJJ
)
)
) DECLARATION OF IAIN
)
MACDOWALL
)
)
Complaint Filed: November 21, 2005

I, Iain MacDowall, declare:

1. I am the Compliance Officer of Marlborough Underwriting Agency Ltd, who manage the affairs of Syndicate 1861 (commonly known as and doing business as the BRM Syndicate) at Lloyd's of London. I have responsibility, on behalf of Syndicate 1861, in connection with the reinsurance claims brought by TIG Insurance Company (hereinafter "TIG"), for ensuring that Syndicate 1861 complies will all applicable regulations of the UK Financial Services Authority and with Lloyd's Act and Bye-laws. Syndicate 1861 was the lead syndicate on the slip for TIG's reinsurance.

2. I am over the age of 21 years, have personal knowledge of the facts stated in this Declaration, and if called as a witness to testify as to them, I can and will competently do so.

1 3. For the 2005 year of account, which is calendar year 2005, financial backing for
2 Syndicate 1861, and therefore its underwriting capacity, was provided solely by its one corporate
3 member, which was incorporated in the United Kingdom.

4 4. For the 2005 year of account, the corporate vehicle backing and constituting
5 Syndicate 1861 was Tonicstar Limited.

6 5. There were no individuals (commonly called "Names") who were members of the
7 syndicate's 2005 year of account.

8 6. Tonicstar Limited is incorporated in the United Kingdom, and has its sole place of
9 business in London, England.

10 I declare under penalty of perjury under the laws of the United States of America that the
11 foregoing is true and correct.

12 Executed at London, England on December 20th, 2005.

IAIN MACDOWALL

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CERTIFICATE OF SERVICE

I, the undersigned, declare: I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. I am employed in the City and County of San Francisco, California, in which county the within mentioned service occurred. My business address is Cozen O'Connor, 425 California Street, Suite 2400, San Francisco, California 94104-2215; Telephone: (415) 617-6100; Facsimile: (415) 617-6101.

On the date set forth below, I placed the foregoing

DECLARATION OF IAIN MACDOWALL

in envelope(s) addressed as follows:

(By Facsimile) I caused each such document listed above to be transmitted via telecopier on this date before 6:00 p.m. to the facsimile numbers of each addressee as indicated below or on the attached Service List.

- (By First Class Mail)** I sealed each envelope and caused each, with first-class postage thereon fully prepaid, to be placed for deposit in the United States mail at San Francisco, California addressed to the offices of each addressee as indicated below or on the attached Service List.

William Sneed
Melanie Jo Triebel
SIDLEY AUSTIN BROWN & WOOD LLP
Bank One Plaza
10 South Dearborn Street
Chicago, IL 60603
Tel: 312-853-7000; Fax: 312-853-7036
Attorneys for Plaintiff TIG INS. CO.

(OPT OUT ATTORNEYS)

(By Personal Service) I sealed each envelope and caused each, with courier charges prepaid, if applicable, to be personally delivered by messenger and/or in-house messenger to the offices of each addressee as indicated below or on the attached Service List.

(By U.S. Postal Express Mail) I sealed each envelope and caused each, with Express Mail postage thereon fully prepaid, to be placed in the U.S. Post Office Express Mail depository at San Francisco, California for next day delivery addressed to the offices of each addressee as indicated below or on the attached Service List.

(By Federal Express/UPS) I sealed each envelope and caused each, with shipping charges fully prepaid, to be delivered to a Federal Express/UPS pick up box or courier at San Francisco, California for next business day delivery addressed to the offices of each addressee as indicated below or on the attached Service List.

I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice it would be deposited with the United States Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America and of the State of California that the foregoing is true and correct.

1 Executed February 6, 2006 at San Francisco, California.

2 By: 
3 D. Helen Davis

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